

**In The United States Patent and Trademark Office
Before the Trademark Trial And Appeal Board**

CONCORDE APPAREL, LLC

Petitioner,

v.

INTERNATIONAL MARK MANAGEMENT S.A.

Registrant,

75648175

Box TTAB

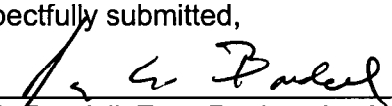
Commissioner For Trademarks
P.O. 1451
Alexandria, VA 2231301451

Petition For Cancellation Transmittal

Sir:

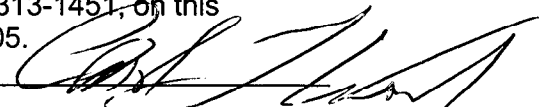
Submitted herewith is a Petition For Cancellation of U.S. Trademark Registration 2,378,903 accompanied by the Cancellation Petition fee (one class) of \$300. Kindly charge any deficiency in required fees to Deposit Account No. 19-0748. Also submitted herewith is a return receipt postcard.

Respectfully submitted,


Jay A. Bondell, Esq., Registration No. 28,188
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JAB/cw
Encls.

CERTIFICATE UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on this 22nd day of June, 2005.
Carol L. Wood, Sender: 



06-27-2005

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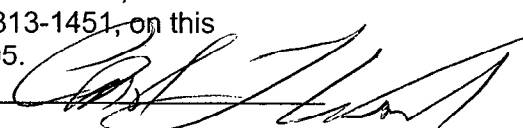
Respectfully submitted,



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TIAE

**In The United States Patent and Trademark Office
Before the Trademark Trial And Appeal Board**

CONCORDE APPAREL, LLC)
)
 Petitioner,)
)
 v.)
)
 INTERNATIONAL MARK MANAGEMENT S.A.)
)
 Registrant,)
)

**Petition For Cancellation of
U.S. Trademark Registration 2,378,903
For The Mark ZAGATO Z, Registered August 22, 2000**

Petitioner, Concorde Apparel, LLC believes that it is being harmed and damaged by the continued existence of U.S. Registration No. 2,378,903 of August 22, 2000 for the mark ZAGATO Z, and accordingly petitions for the cancellation thereof, as follows.

1. Petitioner, Concorde Apparel, LLC is a Pennsylvania limited liability company, having a mailing address at P.O. Box 3627, Scranton, PA 08505.

2. Upon information and belief, Registrant, International Mark Management S.A., is a Luxembourg company, having a mailing address at 23 Avenue Monterey, L-2086, Luxembourg, and is registrant of record for U.S. Trademark Registration No. 2,378,903 of August 22, 2000 for the mark ZAGATO Z (& Design) ("the '903 Registration") in connection with clothing for men, women and children, as recited in the '903 Registration.

3. Petitioner is the owner of U.S. Trademark Registration No. 1,310,165 of December 18, 1984 ("the '165 Registration") for the mark ZAGATO in connection with men's



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topcoats, raincoats, slacks, sportcoats and suits. The '165 Registration has been renewed and is valid and incontestable.

4. Petitioner and its predecessors in interest have continuously used the mark ZAGATO of the '165 Registration in commerce in connection with apparel, including the goods identified in the '165 Registration, since at least as early as June 13, 1983.

5. Petitioner's '165 Registration is for a mark substantially identical to the mark of the '903 Registration sought to be cancelled, and Petitioner's ZAGATO mark is a mark previously registered in the Patent and Trademark Office and not cancelled.

6. Petitioner and its predecessors in interest have continuously used the trademark ZAGATO from a time substantially prior to the adoption and use and registration of the ZAGATO mark of the '903 Registration sought to be cancelled to the present.

7. The ZAGATO mark of the '903 Registration is confusingly similar to the ZAGATO mark of Petitioner's '165 Registration. The goods recited in the '903 Registration are identical or closely related to the goods recited in Petitioner's '165 Registration and the goods with which Petitioner's ZAGATO mark has been and is being used.

8. Upon information and belief, Registrant has not used and has abandoned the ZAGATO mark of the '903 Registration without intent to resume use of the mark.

9. The continued existence of the '903 Registration is likely to cause harm and damage to Petitioner in that it falsely represents to the public that Registrant has rights in and to the ZAGATO mark inconsistent with those of Petitioner as a prior user and registrant, and in that

there is a false presumption of rights in the Registrant associated with the '903 Registration, which are inconsistent with Petitioner's superior rights. In addition, the existence of the '903 Registration falsely suggests to the public that, by virtue of the registration, there is an association between Petitioner and Registrant with respect to the ZAGATO mark, or that ZAGATO goods of Registrant are in some manner associated with Petitioner and its registered mark, when they are not.

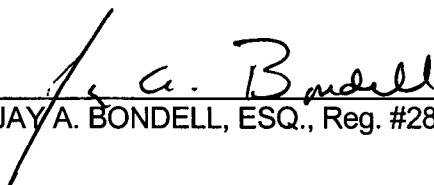
WHEREFORE, Petitioner prays that U.S. Trademark Registration 2,378,903 be cancelled, and that Petitioner be granted such other relief that is proper and just in the circumstances.

Respectfully submitted,

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BY


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